

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN J. BELDING,

Plaintiff,

v.

Case No. 1:13-CV-855

COMMISSIONER OF
SOCIAL SECURITY,

HON. GORDON J. QUIST

Defendant.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Plaintiff, Benjamin Belding, has filed an Objection to Magistrate Judge Ellen Carmody's August 29, 2014 Report and Recommendation (R & R), recommending that this Court affirm the Commissioner of Social Security's decision denying Plaintiff's claim for disability insurance benefits and supplemental security income benefits. In her R & R, the magistrate judge rejected Plaintiff's argument that the administrative law judge (ALJ) failed to accord sufficient weight to the opinion of Plaintiff's treating physician, Dr. Pullum, concluding that substantial evidence supports the ALJ's decision to discount Dr. Pullum's opinion. (R & R at 13–14.) The magistrate judge also found that substantial evidence supported the ALJ's assessment of Plaintiff's credibility.

Pursuant to 28 U.S.C. § 636(b)(1), this Court is required to review *de novo* those portions of the R & R to which specific objections have been made. The Court may accept, reject, or modify any or all of the magistrate judge's findings or recommendations. *Id.* After reviewing the R & R, Plaintiff's Objection, and the pertinent portions of the administrative record, the Court will overrule Plaintiff's Objection and adopt the R & R as the opinion of the Court.

Having considered Plaintiff's Objection concerning Dr. Pullum's opinion, the Court concurs with the magistrate judge that the ALJ's decision was supported by substantial evidence. As the magistrate judge noted, it is arguable that there was no treating source opinion to discount in the first instance, since Dr. Pullum simply deferred to the occupational therapist's opinion. Moreover, assuming that Dr. Pullum rendered an opinion, the ALJ gave "good reasons" for discounting it. 20 C.F.R. § 404.1527(d)(2).

As for the ALJ's credibility finding, the Court disagrees with Plaintiff's contention that there are serious errors. The ALJ set forth a number of reasons supporting her conclusion that Plaintiff's complaints of disabling pain were less than fully credible, all of which were well supported by the administrative record. Accordingly, the Court finds no "compelling reason" to disturb them. *Ritchie v. Comm'r of Soc. Sec.*, 540 F. App'x 508, 511 (6th Cir. 2013). Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation issued August 29, 2014 (dkt. # 24) is **ADOPTED** as the Opinion of the Court, and the decision of the Commissioner is **AFFIRMED**.

IT IS FURTHER ORDERED that Plaintiff's Objection (dkt. # 28) is **OVERRULED**.

A separate judgment will issue.

This case is **concluded**.

Dated: September 25, 2014

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE